

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR JASPER COUNTY
ORDINANCE NO. 2019-_____**

**AN ORDINANCE RESCINDING THE ACCEPTANCE OF AUTHORITY
FOR CONDUCTING MUNICIPAL ELECTIONS IN THE CITY OF
HARDEEVILLE BY THE BOARD OF VOTER REGISTRATION AND
ELECTIONS OF JASPER COUNTY AS SET FORTH IN ORDINANCE
2018-04; AND TO PROVIDE FOR OTHER MATTERS RELATING
THERE TO.**

WHEREAS, as an incident to the adoption of this ordinance, the Jasper County Council as the governing body of Jasper County, South Carolina, makes the following findings.

1. Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of some or all of the powers duties and responsibilities for conducting municipal elections from the municipal election commission to the county election commission (now known as the board of voter registration and elections in accordance with Section 7-5-10 of the South Carolina Code of Laws, 1976, as amended, upon the adoption of an appropriate ordinance by the governing body of the municipality transferring such powers, duties and responsibilities, and adoption of an ordinance by the county governing body of an appropriate ordinance accepting the transfer of authority for conducting municipal elections.
2. In accordance with a request in 2018 by the City of Hardeeville indicating its desire to disband the Hardeeville Municipal Election Commission and transfer all authority for conducting municipal elections within the City of Hardeeville to the Board of Voter Registration and Elections of Jasper County (hereinafter the Jasper County Voter Registration and Elections Board), Jasper County commenced proceedings for the adoption of an ordinance for the transfer of powers, duties and responsibilities for conducting municipal elections in the City of Hardeeville from the Hardeeville Municipal Election Commission to the Jasper County Voter Registration and Elections Board, such Ordinance being designated as Ordinance 2018-04.
3. While Jasper County Council found that the Jasper County Voter Registration and Elections Board was willing to assume the transfer of the powers, duties, and

responsibility for conducting municipal elections in the City of Hardeeville upon the terms and conditions contained in Ordinance 2018-04, and that it was proper, appropriate and in the public interest for Jasper County Council to adopt an ordinance accepting the transfer of authority for conducting municipal elections from the City of Hardeeville to the Jasper County Voter Registration and Elections Board on the terms and conditions contained therein, the City of Hardeeville has not adopted a new ordinance or amended its ordinance adopted in early 2018 accepting the terms and conditions and removing the conflicts in wording.

4. Nonetheless, the Jasper County Elections Board conducted the 2018 municipal election for the benefit of the City of Hardeeville, but upon presentation of a bill for costs incurred, the City has disagreed with the Jasper County Elections Board on the amount to be paid by the City over a period of many months.
5. The City of Hardeeville now has a need for a special election to be conducted; due to time constraints, Jasper County will not rescind the authority of the Jasper County Elections Board to conduct the municipal special election by this ordinance, but will make this ordinance effective for the 2020 general election for the City and all elections thereafter, such time being at least six months before the next scheduled general election.in accordance with Section 4 of Ordinance 2018-04.

NOW, THEREFORE, BE IT ORDAINED, by Jasper County Council in meeting dully assembled, as follows.

Section 1. Findings Adopted; Rescission of Authority for Conducting Municipal Elections. The above recitals and findings are incorporated herein by reference and made part of this ordinance. Jasper County Council, as the governing body of Jasper County, South Carolina, hereby rescinds Ordinance 2018-04 accepting authority for conducting municipal elections in the City of Hardeeville, and such authority is hereby transferred/returned from the Jasper County Voter Registration and Elections Board to the Hardeeville Municipal Election Commission.

Section 2. Effective Date of Transfer. The transfer and return off of authority to conduct municipal elections in the City of Hardeeville shall be effective for the 2020 general election and all elections, whether general or special, occurring thereafter, such effective date being at least

six months prior to the next scheduled general election.

Section 3. Severability. If any one or more of the provisions or portions provided in this ordinance or its application to any circumstance should be determined by a court of competent jurisdiction to be contrary to law, or invalid for any reason, then such provision or application of this ordinance shall be deemed severable from the remaining provisions or applications provided in this ordinance, and the invalidity shall in no way affect the validity of the other provisions or applications of this ordinance.

Section 4. Repeal of Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of inconsistency.

Enacted and approved, in meeting of Council duly assembled, this ____ of _____, 2019.

By: _____
D.T. Johnson, Chairman of County Council
Jasper County, South Carolina

[ATTEST]

By: _____
Tisha Williams, Acting Clerk to County Council
Jasper County, South Carolina

First Reading: _____
Second Reading: _____
Public Hearing: _____
Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date